

PATENT
Docket 13DV13913

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:
M.S. Lamphere et al

Art Unit: 1742

Application No.: 09/994,342
Confirmation No: 9845

Examiner: Wilkins, H.

Filed: 11/26/2001

Title: **Tandem Blistk Electrochemical Machining**

Petition/Request under Rule 705(b)

Mail Stop Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This paper is being concurrently filed with the Part B
- Fee(s) Transmittal, PTOL-85, attached hereto.

In accordance with 37 CFR 1.705(b), Applicants request
reconsideration of the 90-day patent term adjustment
indicated in the Notice of Allowance dated 30 August 2006.

09/13/2006 RMEBRAH1 00000075 070865 09994342

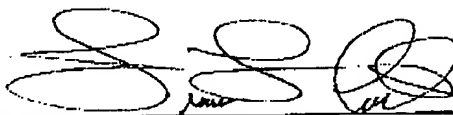
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CERTIFICATE OF TRANSMISSION (37 CFR 1.8a and MPEP 512)

I hereby certify that this **5-PAGE** correspondence is being facsimile transmitted to the
U.S. Patent and Trademark Office at Fax No. 571-273-2885 on the transmission
date indicated below.

FRANCIS L. CONTE

(Name of person transmitting paper)



(Signature of person transmitting paper)

12 September 2006

(Date)

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Statement of Facts:

(i) The correct patent term adjustment and the basis or bases under 37 CFR 1.702 for the adjustment are listed in the "Patent Term Adjustments" tab under the private PAIR, and consist of 278 PTO-days under Rule 702(e) for the appeal of record; and 198 PTO-days for the 14-month guarantee under Rule 702(a)(1), which should presently total 476 PTO-days; and subject to final adjustment upon issuance of the patent.

(ii) Under Rule 703(a)(1) the period begins 14-months after the 11-26-2001 filing date, or 1-26-03, and ends on the mailing of the 8-12-2003 restriction requirement, for a total of 198 days. Under Rule 703(b)(4), the period begins on the 8-22-2005 filing of the Notice of Appeal and ends on the 5-26-2006 mailing of the favorable BPAI Decision, for a total of 278 days.

(iii) The present application, and patent to be issued, is not subject to a terminal disclaimer.

(iv) There were no circumstances constituting a failure to engage in reasonable efforts to conclude processing or examination of the subject application as set forth in Rule 704.

(v) The 362 applicant days presented at the 12-21-2004 response after the non-final action is incorrect, in total, under Rule 704(b) inasmuch as it appears to begin three months after the mailing of the 9-25-2003 non-final office action, which office action was not received by Applicants' attorney of record. A petition to withdraw the abandonment was timely filed on 5-18-2004, and granted on 9-21-2004; and the 12-21-2004 response was timely filed for the re-started office action dated 10-13-2004. Rule 704(c)(3) does not apply since the abandonment of the application was withdrawn, and revival was not relevant.

(vi) The 24 applicant days presented at the 1-14-2005 filing of the Information disclosure statement (IDS) is incorrect, in total, under Rule 704(c)(8) due to the

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provisions of Rule 704(d). Applicants hereby state that each item of information contained in the Supplemental Information Disclosure Statement (SIDS) filed 1-14-2005 was first cited in any communication from a foreign patent office in a counterpart foreign patent application and that this communication (dated as mailed on "29.12.04") was not received by any individual designated in 37 CFR 1.56(c) more than thirty days prior to the filing of that 1-14-2005 SIDS.

Please charge the \$200.00 fee required under Rule 18(e) for submitting this Petition to Deposit Account No. 07-0865 of General Electric Company in accordance with attached Fee Transmittal for FY 2005.

Respectfully submitted,

Date: 12 September 2006

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Attorney for Applicant

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Attachments:

Part B - Fee(s) Transmittal, PTOL-85
One-page Fee Transmittal for FY 2005

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